IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Bail Appl..No. 7095 of 2006()

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CRIME NO.182/06 OF VALIYATHURA POLICE STATION

PETITIONER/2ND ACCUSED:

M.CHANDRA SEKHAR,
HOUSE NO.7/3, NEDIANLA STREET, YAKOBUPURAM,
THIRUNELVELI, TAMIL NADU.

BY ADV. SRI.T.RAJASEKHARAN NAIR
SRI.RAJESH P.NAIR

RESPONDENT: COMPLAINANT:

THE STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7095 OF 2006

DATED THIS THE 30th DAY OF NOVEMBER, 2006

O R D E R

Petitioner who is the second accused in Crime No.182/06 of Valiyathura Police Station for offences punishable under sections 465, 468 and 471 read with section 34 IPC and sections 3 and 12 of the Passport Act, seeks anticipatory bail. As per order dated 13.9.2006 in B.A.5539/06 filed by the petitioner, he was directed to surrender before the Investigating Officer on 20.9.2006 between 10.30 AM and 11 AM and the Investigating Officer was given the liberty to interrogate the petitioner and thereafter produce him before the concerned Magistrate who was directed to consider the application for regular bail filed by the petitioner. The petitioner admittedly did not comply with the above direction. The petitioner would have it that he was laid up due to Chickun Guniea and he was therefore unable to surrender before the Investigating Officer. The counsel pressed for an order for anticipatory bail. I am not inclined to grant anticipatory bail to a person who had committed default in complying with the

conditions imposed by this court during the earlier occasion. However, I am inclined to grant the petitioner one more opportunity to surrender before the Investigating Officer. Accordingly, if the petitioner surrenders before the Investigating Officer on any day between 1.12.2006 and 6.12.2006 and make himself available for interrogation, the Investigating Officer shall, after interrogating the petitioner, produce him before the Magistrate concerned. The application, if any, for regular bail filed by the petitioner before the Magistrate shall thereafter be considered and appropriate orders shall be passed, preferably on the same date on which the said application is filed.

With this observation, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn